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Jul 25, 2024	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

Judge Paul L. McCandlis

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff

v.

JUSTIN CARNES; and  
DEREK BERRY  
Defendants.

NO. MJ24-5092

AGREED REVISED ORDER  
EXTENDING TIME FOR GRAND JURY  
INDICTMENT FOR DEREK BERRY  
AND JUSTIN CARNES

The Court, having considered the Unopposed Motion to Extend Time to File the  
Indictment Under Speedy Trial Act finds that:

1. Mr. Berry and Mr. Carnes are charged by Complaint with Conspiracy to  
Manufacture and Distribute Controlled Substances, in Violation of 21 U.S.C. §§  
841(b)(1)(A).

2. Mr. Barry made his initial court appearance on March 29, 2024. Mr. Carnes  
made his initial appearance on April 5, 2024.

3. The defense asserts that it is diligently investigating their clients' prior  
records and the circumstances surrounding the situation at the time of the alleged offense.  
Defense counsel does not believe that this investigation and examination will be

1 completed by the expiration of the time to obtain an indictment. The defense further  
 2 believes that the result of this investigation will be essential to preparing the defense and  
 3 may facilitate a resolution of this matter.

4 4. Defense counsel for both defendants are jointly seeking an order continuing  
 5 the time within which an Indictment must be filed on the grounds that the “ends of justice  
 6 served by taking such action outweigh the best interests of the public and the defendant in  
 7 a speedy trial,” as permitted by 18 U.S.C. §§ 3161(h)(7)(A), (B)(i) and (B)(iv). The  
 8 requested new deadline would be November 29, 2024.

9 5. Both Mr. Berry and Mr. Carnes executed Waivers of Speedy Indictment  
 10 waiving their rights under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C.  
 11 §§ 3161-3174, and have further agreed that the period of time from the filing of their  
 12 motion November 29, 2024, shall be an excludable period of time under the Speedy Trial  
 13 Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

14 6. The Government, represented by Assistant United States Attorneys Zachary  
 15 W. Dillon and Max Shiner, does not object to this request for Extension of the indictment  
 16 deadline.

17 7. In light of the foregoing, IT IS ORDERED that the time to file an  
 18 Indictment be continued to **November 29, 2024**. The period of delay resulting from this  
 19 continuance from the date of the filing of this motion through November 29, 2024, is  
 20 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)

21 IT IS ORDERED this 25<sup>th</sup> day of July, 2024 (Nunc Pro Tunc to July 24, 2024)

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24 PAUL L. McCANDLIS  
 25 UNITED STATES MAGISTRATE JUDGE  
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